

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 2:07-cr-0166-WKW
)	
JOHN WEBSTER)	

ORDER

This case is before the court on the defendant's Unopposed Motion to Continue Trial (Doc. # 14) and Motion for an Extension of Time to File Pre-Trial Motions (Doc. # 15). The criminal case is currently set for trial during the November 5, 2007 term. For the reasons set forth below, the Court finds that the trial should be continued pursuant to 18 U.S.C. § 3161(h).

While the grant of a continuance is left to the sound discretion of the trial judge, *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the Court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.

18 U.S.C. § 3161(c)(1). However, the Act excludes from the 70 day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." *Id.* § 3161(h)(8)(A).

The Court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and the defendant in a speedy trial. In support of his motion to continue the trial, defense counsel represents that he only recently entered a re-appearance in this case upon ascertaining that the defendant was unable to retain other counsel. Therefore, the defendant now

requests a continuance in order to allow his new counsel adequate time to review potentially relevant information and to interview potential witnesses in order to adequately prepare a defense. The Government does not oppose a continuance of the trial or of the deadline for pretrial motions.

Accordingly, it is ORDERED that the defendant's Unopposed Motion to Continue Trial (Doc. # 14) is GRANTED. Additionally, the defendant's Motion for an Extension of Time to File Pre-Trial Motions (Doc. # 15) is GRANTED. Trial in this matter is continued from the November 7, 2007 trial term, to the criminal term of court beginning **February 4, 2008**. The Magistrate Judge shall conduct a pretrial conference prior to the **February 4, 2008**, trial term and enter a pretrial conference order. The deadline to file pretrial motions is extended from October 10, 2007, to **November 5, 2007**.

DONE this 16th day of October, 2007.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE